

10

LUC-433 / Clark 10

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 3, 5-7, 9, 10, and 13-19 are amended and claims 2, 12 and 20 are canceled. These amendments to the claims constitute a bona fide attempt by applicant to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification, figures, and claims and thus, no new matter has been added. Claims 1, 3-7, 9-11, and 13-19 are pending.

Claim Rejections under 35 U.S.C. §112

Claims 1 and 17 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Examiner stated that claims 1 and 17 are Single Means Claims which are "subject to an undue breathe rejection under 35 U.S.C. §112, first paragraph." With this Amendment, claims 1 and 17 have been amended to recite "a Customer Premise Equipment (CPE) application server component" and "a user-related application server component". Applicant therefore respectfully submits that claims 1 and 17 now comply with §112 and that the rejection be withdrawn.

Claim 20 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action indicated that "an article comprising computer-readable signal-bearing media" is contradictory. With this amendment, claim 20 has now been canceled.

Withdrawal of the § 112 rejections is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Pending claims 1-20 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Benedyk et al. (U.S. Publication No. 2005/0033684; "Benedyk"). This rejection is respectfully, but most strenuously, traversed.

Applicant respectfully submits that the Office Action's citations to the applied reference does not teach or suggest a CPE application server component and a user-related application server component for providing one or more services, as recited in applicant's amended independent claims 1 and 17.

For explanatory purposes, applicant discusses herein one or more differences between the claimed invention and Benedyk. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citation to Benedyk correspond to the claimed invention.

Benedyk discloses a system for paying for goods or services using a mobile communications device without requiring text messaging or paging service. In Benedyk the central transaction server 108 is tied specifically to the function of providing a sale. The central transaction server 108 is further tied to a specific local transaction server 120 to make purchases. In Benedyk a call is placed specifically to designated remote server and specifically to perform the sale task. Benedyk does not disclose or suggest, as recited in amended claim 1, "a Customer Premise Equipment (CPE) application server component that provides one or more services to a telephony device on a call through establishing one or more secondary signaling data streams associated with the call, the one or more services selectively determined by a user of the telephony device." Nor does Benedyk disclose or suggest "a user-related application server component with which the CPE application server component provides the one or more services

through employment of the one or more secondary signaling data streams.” Accordingly, Applicant respectfully submits that amended claim 1, and all pending claims which depend from claim 1, namely claims 3-7, 9-11 and 13-16, are neither anticipated nor rendered obvious by Benedyk.

Dependent claim 3 recites “the user-related application server component establishes one or more web portals with the telephony device” and “the one or more services to the telephony device [are provided] through employment of the one or more web portals.” Benedyk does not disclose or suggest such use of web portals. In rejecting claim 3, the Office Action states that “the internet is a web portal”. Applicant respectfully disagrees with this characterization. A web portal is a site that functions as a point of access to information on the World Wide Web. The internet is a collection of interconnected computer networks which can be accessed through a web portal. Additionally, Benedyk does not disclose or suggest providing the one or more services through the one or more web portals. Paragraphs [0017-0018] of Benedyk discuss establishing a telephone call. Benedyk indicates that the internet may be used to carry the signaling for the call or the call itself. Paragraphs [0037-0039] of Benedyk are directed to the exchange of data between the two servers, not with a web portal providing one or more services to the telephony device, as claimed.

Claim 4 recites “the CPE application server component and the user-related application server component provide one or more interfaces associated with the one or more services through employment of the one or more web portals.” As noted previously, paragraph [0018] of Benedyk is directed to setting up and possibly carrying the call. It does not disclose or suggest the claimed use of a web portal.

For all the reasons presented above, claims 1, 3-7, 9-11 and 13-16 are believed neither anticipated nor obvious over the art of record. Withdrawal of the § 102 rejections of claims 1, 3-7, 9-11 and 13-16 is therefore respectfully requested.

Claim 17 now recites the steps of "providing a Customer Premise Equipment (CPE) application server component; providing a user-related application service component; and providing one or more services to a telephony device on a call through establishing one or more secondary signaling data streams between the CPE and user-related application service components associated with the call, the one or more services selectively determined by a user of the telephony device." As noted above, in Benedyk a call is placed specifically to designated remote server and specifically to perform the sale task. Applicant respectfully submits that Benedyk does not disclose or suggest "providing one or more services to a telephony device on a call through establishing one or more secondary signaling data streams between the CPE and user-related application service components associated with the call, the one or more services selectively determined by a user of the telephony device." For the foregoing reasons, Applicant respectfully submits that amended claim 17, and all claims that depend therefrom, namely claims 18 and 19, are patentable over Benedyk.

Claim 18, as amended, further recites "providing one or more interfaces associated with the one or more services to the telephony device through employment of one or more web portals" and "providing for a request of the one or more services through the one or more interfaces". As noted above, Benedyk does not disclose or suggest such use of web portals.

14

LUC-433 / Clark 10

For all the reasons presented above, pending claims 1, 3-7, 9-11 and 13-19 are believed neither anticipated nor obvious over the art of record. Withdrawal of the §102 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



Scot R. Hewitt
Attorney for Applicants
Reg. No. 35,191

Dated: February 19, 2008

PATTI, HEWITT & AREZINA, LLC